

CUSTOMER NO.: 24498**Serial No. 10/757,626**

Reply to Final Office Action dated: 5/13/08

Response dated: 6/23/08

**PATENT
PU030211****REMARKS**

In the Final Office Action, the Examiner stated that claims 21-40 are pending in the application, that claims 24-27 and 34-36 are withdrawn and that claims 21-23, 28-33 and 37-40 stand rejected. By this response, none of the Applicant's claims have been amended.

In view of the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102. Thus the Applicant believes that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 21-23, 28-33 and 37-40 under 35 U.S.C. § 102(b) as being anticipated by Aotake (U.S. Patent No. 5,732,067). The rejection is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

The Applicant submits that Aotake absolutely fails to teach, suggest or anticipate each and every element of the Applicant's claimed invention arranged as in at least the Applicant's claim 21. In contrast to the invention of the Applicant, Aotake relates to a control script which allows the user to reproduce the information stored on a recording medium, such as an optical disk (See Aotake, Abstract; col. 1, lines 43-51). In Aotake, the control script is stored on the optical disk, along with the information that is to be reproduced, and is not dependent on the operating system or the central processing unit (col. 5, lines 45-52). The script reads in information from a variety of lists (col. 1, lines 56-63). Depending upon which function (e.g., next, previous, return, cancel, stop, pause, rewind, etc.) is selected by a user, the lists store pointers which direct the control script to the leading end of the information which is to be reproduced (col. 5, lines 10-20; col. 1, lines 56-63; col. 28, lines 17-47).

In contrast, the invention of the Applicant specifically teaches and claims a method and system for communicating and distinguishing between stop and pause

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commands. (Title of Invention; Abstract; Summary of the Invention). More specifically, the invention of the Applicant utilizes a "trick mode indicator" to determine whether a stop command or a pause command should be carried out. (See Spec. pg. 2, lines 22-29). The trick mode indicator of the last frame of video data is either set, in response to a pause command, or cleared, in response to a stop command. (See Spec. pg. 2, lines 22-29; Claims 21, 28, & 37). If the trick mode indicator is set, then the pause command should be carried out by repeatedly displaying the last received frame. (See Spec. pg. 2, lines 22-29; and Spec. pg. 8, lines 4-11). Alternatively, if the trick mode indicator has been cleared, the stop command should be carried out by discontinuing the display of any frames (See Spec. pg. 2, lines 22-29; and Spec. pg. 7, line 35 – pg. 8, line 3).

Accordingly and for at least the reasons recited above, the Applicant submits that Aotake does not teach, suggest or anticipate the invention of the Applicant. That is, as explained, the Applicant's invention relates to a method and apparatus involving a specific method for distinguishing between pause/stop commands and subsequently taking the appropriate action depending upon which command was selected. In contrast, Aotake discloses a control script which is also capable of implementing a variety of commands, including both the pause and stop commands. However, Aotake fails to disclose the specific method of implementing these commands as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 21.

Regarding the Applicant's Claims 21 and 28, it is respectfully asserted that Aotake does not teach or suggest "in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed." In the most recent Office Action, the Examiner argued that such was taught by Aotake. Finding support for the Examiner's allegation in col. 28, lines 39-44, the Examiner stated:

"Aotake discloses if a pause key is thrust with a moving picture, the picture becomes a still picture (referring to freeze trick mode). Aotake further discloses if a stop key is thrust, the playback control ceases to operate to return to the initial state (referring to clearing a trick mode indicator). Therefore Aotake in fact discloses the claims invention."

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The Applicant, however, submits that Claims 21 and 28 include elements which are not taught in Aotake. Although arguably Aotake teaches the use of a command which can pause a video, Aotake absolutely fails to teach, suggest or anticipate the specific manner of implementing the pause function as recited in the Applicant's claims. More specifically, Claims 21 and 28 of the Applicant's invention set a trick mode indicator to accomplish such and the trick mode indicator is recited to be in the last frame of video data which is to be displayed. Aotake does not teach or anticipate this specific manner of implementing the freeze trick mode.

Likewise, Aotake teaches the use of a "stop" command for stopping the display of video data, but Aotake fails to teach or anticipate the specific method of executing the stop command as recited in the Applicant's claims. More specifically, the Applicant's Claims 21 and 28 execute a command by clearing the trick mode indicator in the last frame of video data to be displayed. Aotake does not teach this method of executing the stop command. More specifically, Aotake does not teach or anticipate a trick mode indicator. Aotake also does not specify that the trick mode indicator which is to be cleared is the trick mode indicator in the last frame of video data to be displayed.

Similar language is found in the Applicant's Claim 37 which states: "wherein in response to a received pause command, said sender sets a trick mode indicator of a last frame of said packetized video data to be communicated to said receiver to indicate a freeze trick mode". The Applicant submits that claim 37 is also distinguishable from Aotake for the reasons set forth above. Additionally, this claim is further distinguishable from Aotake because Aotake does not teach or suggest the use of a sender to set the trick mode indicator or the communication of trick mode indicator to the receiver for purposes of indicating a freeze trick mode. In fact, the invention in Aotake does not involve the use a sender or a receiver for controlling the stop/pause functions. Rather, these functions are controlled by a script that is recorded onto an optical disk and which functions by utilizing a plurality of lists and pointers (See Title of Invention; Abstract; col. 1, line 52 – col. 3, line 22; col. 5, lines 10-20;). The lines cited by the Examiner (col. 28, lines 39-44) merely describe the result produced by the script when the stop key or pause key is thrust. However, Aotake fails to disclose or anticipate the precise manner of carrying a pause/stop operation as recited in Claim 37.

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The Applicant's Claim 37 further recites: "in response to a received stop command, said sender clears a trick mode indicator of a last frame of said packetized video data to be communicated to said receiver." In addition to the reasons set for above, this claim is not anticipated by Aotake because Aotake does not teach or anticipate the use of a sender for the purpose of clearing the trick mode indicator. Aotake also does not teach or suggest the communication of the trick mode indicator to a receiver. As stated above, Aotake does not involve communication between a sender or receiver for the purposes of controlling the pause/stop functions.

Another technical feature of the Applicant's Claim 37 includes: "wherein in response to a determination by the receiver that packetized video data is no longer being received, the receiver examines a trick mode indicator of a last frame of received video data and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, the last received frame of video data is repeatedly displayed on a display, and if a trick mode indicator of the last received frame of video data is clear, the display of frames of said video data on the display is stopped". The Examiner argues that this element is taught by Aotake at col. 28, lines 39-44. However, as explained above, the passage referred to in Aotake only provides a broad description of the stop/pause functions. Upon careful review of Aotake, there is no teaching or suggestion regarding the examination of the trick mode indicator located in the last frame of video data sent to the receiver in order to determine the appropriate action to be taken (i.e. repeatedly displaying the last received frame or stopping display of the frames entirely). Aotake also fails to teach or suggest that the aforementioned examination should be made in response to a determination by the receiver that packetized video data is no longer being received. Even further, Aotake fails to disclose or anticipate the use of a receiver to determine whether video data is being sent to the receiver.

A reference cited against a claim under 35 U.S.C. §102 must disclose each and every limitation of the rejected claim. Therefore, the Applicant submits that, for at least the reasons recited above, Aotake fails to teach each and every element of the claimed invention, arranged as in at least the Applicant's independent claims as required for anticipation. Accordingly, the Applicant submits that at least the Applicant's independent Claims 21, 28, and 37 are patentably distinct and not

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anticipated by the teachings of Aotake for at least the reasons set forth above. As such, the Applicant respectfully submits that the Applicant's independent Claims 21, 28, and 37 fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims depend either directly or indirectly from the Applicant's independent claims 21, 28 and 37 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims are also not anticipated by the teachings of Aotake. Therefore the Applicant submits that all dependent claims also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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